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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,089	10/23/2001	William A. Fischer	10017888 -1	9254

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EXAMINER

TANG, KAREN C

ART UNIT PAPER NUMBER

2151

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/004,089	Applicant(s) FISCHER, WILLIAM A.	
	Examiner Karen C. Tang	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 24-27 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 24-27 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/5/06 has been entered.
- Claims 1-17, 24-27, 33-36 are presented for further examination.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 16, 17, 24-26 and 33-36 rejected under 35 U.S.C. 102(e) as being anticipated by Kusano et al hereinafter Kusano (US 2003/0074421).

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1. Referring to Claims 1, 10, 24, and 33, Kusano disclosed a method of configuring a user interface of computer-assisted equipment (CE, refer to 0002) according to a service program, comprising the steps of: said computer-assisted equipment transmitting a message (request, refer to 0003) to a remote computer (server, refer to 0044);

said remote computer determining that said service program available on said remote computer is suitable for use with said computer-assisted equipment, said determining being based on said message (refer to 0016 and 0032); and

said remote computer influencing operation of said user interface of said computer-assisted equipment, said determining being based on said message (refer to 0016 and 0029); and

said remote computer influencing operation of said user interface of said computer-assisted equipment in accordance with said service program (refer to 0027, 0028, and 0031).

4. Referring to Claim 2, Kusano disclosed wherein said computer-assisted equipment provides entertainment (refer to 0033).

5. Referring to Claim 3, Kusano disclosed wherein said computer-assisted equipment is an audio reproduction system (refer to 0033).

6. Referring to Claim 4, Kusano disclosed wherein said computer-assisted equipment is a remote control device that controls functions of a video entertainment system (DVD player, refer to 0037, and 0010), said video entertainment system receiving content from said remote computer (refer to 0039).

7. Referring to Claim 5, Kusano disclosed wherein said determining step includes said remote computer informing said computer-assisted equipment that at least one additional service program is available (refer to 0044), said computer-assisted equipment selecting from among said service program and said at least one additional service program (refer to 0044).

8. Referring to Claim 6, Kusano disclosed additionally comprising said remote computer receiving a selection (refer to 0015) from said computer-assisted equipment, said selection indicating which of said service program and said at least one additional service program a user has selected (refer to 0008).

9. Referring to Claim 7, Kusano disclosed wherein said remote computer is a general- purpose computer (server is a computer, refer to 0011).

10. Referring to Claim 8, Kusano disclosed wherein said message (request, refer to 0038) is a service request that indicates that said computer-assisted equipment is ready to operate cooperatively with said remote computer (ready to receive the request).

11. Referring to Claim 9, Kusano disclosed further comprising said remote computer transmitting content to said computer-assisted equipment under the control of said service program (refer to 0038-0041).

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13. Referring to Claim 12, Kusano disclosed wherein said remote computer is one of a portable and a desktop computing device (server is a computer, refer to 0011).

14. Referring to Claim 13, Kusano disclosed wherein said appliance is an audio system that conveys music, and wherein said content includes a music file (refer to 0044).

15. Referring to Claim 14, Kusano disclosed indicates the user input is a selection of a title of said music file (refer to 0045).

16. Referring to Claim 15, Kusano disclosed wherein said service program includes instructions that enable said audio system which the select a title of said music file (refer to 0045).

15. Referring to Claim 11, Kusano disclosed wherein said service request includes an indication that said computer-assisted appliance is available and is ready to receive said service program (for communication between two devices to start, an indicate must be made).

16. Referring to Claim 25, Kusano disclosed wherein said determining step includes receiving a selection as to which service program (songs/mp3 file, album) has been selected by a user of said computer-assisted equipment (refer to 0045).

17. Referring to Claim 16, Kusano disclosed wherein said service program influences the function of a display located on said computer-assisted appliance (refer to 0045).

18. Referring to Claim 17, Kusano disclosed wherein said service program influences a function of a remote control device used to control an entertainment device (refer to 0045).

19. Referring to Claim 26, Kusano disclosed wherein said remote computer is interfaced to a network and wherein said remote computer communicates with a network location available on said network (refer to 0049).

21. Referring to Claim 34, Kusano disclosed one or more computer-readable media , wherein said receiving a service query step includes receiving an indicator that informs said computer of a function performed by said computer-assisted appliance (refer to 0045-0049).

22. Referring to Claim 35, Kusano disclosed one or more computer-readable media, wherein said determining step includes said computer searching through a list of service programs (refer to 0049).

23. Referring to Claim 36, Kusano disclosed one or more computer-readable media, wherein said method further comprises said computer-assisted appliance prompting said user for said input (refer to 0044).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusano et al hereinafter Kusano (US 2003/0074421) in view of Official Notice.

20. Referring to Claim 27, Kusano disclosed wherein said transmitting step is accomplished by way of transmitting said interface instruction (refer to 0015)

Kusano did not indicate the transmitting the interface instruction utilizing a wireless interface.

Official Notice is taken that it is obvious for ordinary skill in the art to utilizing the wireless interface to transmit instruction between two devices.

It would have been efficient to utilize the wireless technology so users can be provided a wireless communication thus they can be anywhere they wish to be.

Response to Arguments

Applicant's arguments with respect to claims 1-17, 24-27, 33-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Tang


KAREN TANG
EXAMINER